

Randall Allen (State Bar No. 264067)

ALSTON + BIRD LLP

275 Middlefield Road, Suite 150

Menlo Park, California 94025

Telephone: 650-838-2000

Facsimile: 650-838-2001

Email: randall.allen@alston.com

Peter Kontio (peter.kontio@alston.com)

Valarie C. Williams (valarie.williams@alston.com)

B. Parker Miller (parker.miller@alston.com)

ALSTON + BIRD LLP

1201 West Peachtree Street

Atlanta, Georgia 30309

Telephone: 404-881-7000

Facsimile: 404-881-7777

Richard W. Stimson (rick.stimson@alston.com)

ALSTON + BIRD LLP

2828 North Harwood Street, 18th Floor

Dallas, Texas 75201

Telephone: 214-922-3400

Facsimile: 214-922-3899

Attorneys for Plaintiffs Nokia Corporation and Nokia Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

MDL FILE NO: 3:07-md-1827-SI
CASE NO: 3:09-CV-5609-SI

This Document Relates to:

NOKIA CORPORATION and NOKIA INC.,

v.

AU OPTRONICS CORPORATION et al,

CASE NO: 3:09-CV-5609-SI

**STIPULATION AND ~~PROPOSED~~
ORDER RE SURREPLY EXPERT
REPORTS AND DEPOSITIONS**

1 The undersigned counsel, on behalf of defendants Samsung SDI Co., Ltd.,
 2 Samsung SDI America, Inc., Sharp Corporation, Sharp Electronics Corporation, Toshiba
 3 Corporation, Toshiba Mobile Display Co., Ltd., Toshiba America Electronic
 4 Components, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc.,
 5 Samsung Electronics America, Inc., Hitachi, Ltd., Hitachi Electronic Devices (USA),
 6 Inc., and Hitachi Displays, Ltd. (n/k/a Japan Display East, Inc.) (collectively,
 7 “Defendants”) and plaintiffs Nokia Corp. and Nokia Inc. (collectively “Plaintiffs”)
 8 hereby stipulate as follows:

9 WHEREAS, the Court on July 14, 2011 entered an order modifying the pretrial
 10 schedule for “Track One” actions, including the above-titled action, which set forth dates
 11 for service of expert reports and a date for the close of expert discovery (Dkt. No. 3110);

12 WHEREAS, the Special Master on March 15, 2012 entered an order extending to
 13 May 11, 2012 the deadline for direct action plaintiffs to submit their reply expert reports
 14 (Dkt. No. 5161);

15 WHEREAS, pursuant to that schedule, as modified, Plaintiffs served an expert
 16 report for Dr. Helen Jenkins; Defendants served opposition expert reports; and Plaintiffs
 17 served a reply expert report for Dr. Jenkins (“Jenkins Reply Report”);

18 WHEREAS, Defendants contend that the Jenkins Reply Report contains
 19 new analysis not previously disclosed;

20 WHEREAS, certain Defendants’ previously disclosed experts served reports
 21 responding to what Defendants contend is new analysis in the Jenkins Reply Report
 22 (“Surreply Reports”);

23 WHEREAS, the parties seek to make mutually agreeable and orderly
 24 arrangements for the depositions of experts who submitted Surreply Reports.

25 NOW, THEREFORE, the Parties agree as follows:

26 Plaintiffs may depose any expert that submitted a Surreply Report concerning the
 27 contents of that report on or before October 31, 2012, or other mutually agreeable date.

1
2 The parties respectfully request that this stipulation be entered as an order of the
3 Court.

4 DATED: August 16, 2012.

/s/ James McGinnis

Gary L. Halling
James L. McGinnis
Michael W. Scarborough
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
(415) 434-9100 (Phone)
(415) 434-3947 (Facsimile)

*Counsel for Samsung SDI America, Inc., and Samsung
SDI Co., Ltd.*

*Also filed on behalf of Sharp Corporation, Sharp
Electronics Corporation, Toshiba Corporation, Toshiba
Mobile Display Co., Ltd., Toshiba America Electronic
Components, Inc., Samsung Electronics Co., Ltd.,
Samsung Electronics America, Inc., Samsung
Semiconductor, Inc., Hitachi, Ltd., Hitachi Displays, Ltd.
and Hitachi Electronic Devices (USA), Inc.*

/s/ B. Parker Miller

Peter Kontio (peter.kontio@alston.com)
Valarie C. Williams (valarie.williams@alston.com)
B. Parker Miller (parker.miller@alston.com)
ALSTON + BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-881-7000
Facsimile: 404-881-7777

Counsel for Plaintiffs Nokia Corporation and Nokia Inc.

22 **ATTESTATION:** Pursuant to N.D. Cal. General Order 45, Part X-B, the filer attests that
23 concurrence in the filing of this document has been obtained from each signatory hereto.

24 **IT IS SO ORDERED.**

25 Dated: August __, 2012.

26 

27 Hon. Susan Illston, United States District Judge